

***SPECIAL JOINT MEETING
TIPPECANOE COUNTY COMMISSIONERS
TIPPECANOE COUNTY COUNCIL
JUNE 2, 2003***

The Tippecanoe County Commissioners and Tippecanoe County Council met in a special joint meeting on Monday, June 2, 2003 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Council members present were: President Connie Basham and Jeffrey Kessler. Others present were County Auditor Robert A. Plantenga, County Attorney David W. Luhman, Commissioners' Assistant Jennifer Weston, and Secretary Pauline E. Rohr. (Councilmembers Jeffrey A. Kemper, Kathy Vernon, Betty J. Michael, David S. Byers, and Ronald L. Fruitt were absent.)

President Benson called the County Commissioners to order.

President Basham call the County Council to order and recessed until 4:00 P.M., Tuesday, June 3, 2003 due to lack of a quorum.

PUBLIC HEARING E-911 Radio System Lease

Attorney Luhman reported that notice was published in the Journal & Courier and Lafayette Leader Newspapers announcing a Public Hearing regarding the lease of new radio equipment for E-911. Following the Public Hearing, the Commissioners will consider the approval of Resolution 2003-18-CM, Authorizing Execution of a Lease with Bank One Leasing Corporation, and Resolution 2003-20-CM, Resolution and Declaration of Official Intent, which satisfies the Internal Revenue Service requirements to authorize the expenditure of funds prior to execution of the lease documents.

RECESSED/RECONVENED

Due to time constraints for approving the finance and lease documents, President Benson briefly recessed the meeting to allow phone calls to absent County Councilmembers in an effort to achieve a quorum. Although a quorum of Councilmembers was not yet reached, the meeting reconvened.

PUBLIC HEARING: resumed

Sheriff Anderson said the upgrade to the E-911 Radio System will benefit and enhance the emergency services field as well as non-safety entities such as school corporations that use the system.

Attorney Luhman explained the Commissioners will be asked to approve a ten (10) year lease for a total amount of \$2,448,703 at 3.29% from Bank One Leasing Corporation. The annual payments of \$286,610.24 will be paid from E-911 User Fee Funds. Bank One will put the money into escrow and disperse to Motorola which is providing the equipment. One analog and digital broadcast and receiving tower will be installed at Murdock Park in Lafayette. The second will be installed atop a building on the Purdue University Campus in West Lafayette to provide back-up coverage as well as coverage to parts of Purdue's Campus that was not previously possible.

There were no other speakers in favor or in opposition.

It was noted that the Auditor's Office verified a petition with signatures of at least fifty (50) Tippecanoe County taxpayers in favor of the lease.

RESOLUTION 2003-18-CM: Authorizing Execution of Lease with Bank One Leasing Corporation

Attorney Luhman summarized Resolution 2003-18-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- * The Resolution acknowledges the publication of notice of a hearing on the proposed lease in two

newspapers.

- * The Resolution acknowledges the receipt of a petition of fifty or more taxpayers requesting the County enter into a lease.
 - * The Resolution approves the plans, specifications, and estimates for the E-911 Public Safety Radio System.
 - * The Resolution approves the lease with Bank One Leasing Corporation.
 - * The Resolution authorizes the President of the Commissioners and the Sheriff to execute any necessary documents for the lease.
- Commissioner Shedd moved to adopt Resolution 2003-18-CM, seconded by Commissioner Knochel; motion carried.

RESOLUTION 2003-20-CM: Resolution and Declaration of Official Intent

Attorney Luhman summarized Resolution 2003-20-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- * The Resolution acknowledges the principle amount to be financed is \$2,448,703.00.
 - * The Resolution describes the property to be acquired with the lease.
 - * The Resolution identifies Bank One Leasing Corporation as the lessor.
 - * The Resolution authorizes certain capital expenditures to be paid with the proceeds according to IRS Regulations.
 - * The Resolution authorizes the President of the Board of Commissioners or the Sheriff to negotiate and enter into an agreement.
 - * The Resolution acknowledges the County doesn't anticipate issuing more than \$10 million tax exempt obligations during 2003 and qualifies this borrowing as a tax exempt bank qualified obligation that Bank One can enter into.
- Commissioner Shedd moved to adopt Resolution 2003-20-CM, seconded by Commissioner Knochel; motion carried.

President Benson thanked Captain Kirby, Sheriff Anderson, and Attorney Luhman for their time spent to save the County a significant amount of money. Attorney Luhman interjected that President Benson also spent many hours which resulted in a savings to the County of approximately \$200,000 over the life of the lease.

RECESSED/RECONVENED

- By motion of Commissioner Shedd and second by Commissioner Knochel, the meeting recessed at 9:15 A.M. until 9:30 A.M.

SHERIFF'S ANNUAL PLANNING FOR 2004: Sheriff William "Smokey" Anderson, Capt. Mark Kirby, Capt. Rick Walker, Capt. Denise Saxton, and Bookkeeper Janie Quinn

Sheriff Anderson distributed an activity report of the Sheriff's Department for 2002. Although he said he is understaffed with 174 employees, of which 29 are Work Release, he said he doesn't plan to ask for additional employees due to the fiscal difficulties the County is experiencing. He did stress that a salary increase would be most appreciated.

If fiscal conditions allow, he needs at least a part-time Maintenance employee to assist the one full time Maintenance person who is responsible for the entire Jail. He also needs another LPN to take care of medical needs and decrease their liability.

He reported the new pod is currently full due to on-going rehab work (painting, cleaning, etc.) in the other pods. Pod B is closed for rehab, Pod D's rehab is half finished, and Pod A remains to be done. When the rehab is finished, a total of 553 beds will be available. As of approximately 3:00 P.M. yesterday, they had 306 male and 52 female inmates for a total of 358.

They are currently holding 36 of our own DOC inmates. Because they would like to add approximately 20 State DOC inmates to increase revenue, Sheriff Anderson said they asked the State to conduct an evaluation of the Jail prior to entering into a contract. He noted previous contracts have been verbal.

E-911 Funds will be used to purchase two (2) consoles for the Radio Room to bring the total number to five (5).

The four (4) Civil Process Servers served over 61,000 papers in 2002.

New kitchen equipment makes it possible to feed more individuals without additional staff. Because they are serving more soup to help cut costs, he thinks the 2003 Food Budget may be sufficient.

Because the Utilities Budget was cut \$100,000 for 2003, Sheriff Anderson thinks there may be a shortfall.

Following the recent expansion to the Jail, two (2) parking lots and a driveway have yet to be paved.

E-911 Director Capt. Mark Kirby reported that Verizon offered to buy out the Maintenance Agreement that continues through 2007 for the computers because they don't want to replace them. He said the computers have a life of approximately three (3) years, but he thinks they don't want to replace them because of the current economy. In Capt. Kirby's opinion, a buy-out of approximately \$85,000 could be lucrative for the County. If the funds are earmarked for E-911, he said they can upgrade and maintain their own equipment.

ANNOUNCEMENT: re County Council Special Meeting

Attorney Luhman announced a correction to the rescheduled County Council Special Meeting announced by President Basham earlier in the meeting. The Council will meet at 7:00 P.M. tonight, Monday, June 2nd, at Councilmember Dave Byers' residence located at 6521 N 450 W, West Lafayette, IN.

COMMISSIONERS' REGULAR MEETING

President Benson called the regular meeting to order and asked Commissioner Shedd, the youngest grandmother in the room, to lead the Pledge of Allegiance.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Knochel moved to approve the Accounts Payable Vouchers as submitted, seconded by Commissioner Shedd; motion carried.

HIGHWAY: Executive Director Mark Albers

AWARD BID: 2003 Bridge Rehabilitation Project (opened 5/19/2003)

- Upon Mr. Alber's recommendation, Commissioner Shedd moved to award the bid for the 2003 Bridge Rehabilitation Project to Atlas Excavating, Inc. with the low bid of \$850,000, seconded by Commissioner Knochel; motion carried.

TEMPORARY GRANT OF RIGHT OF WAY: CR 200 N Project: Parcel #7A

WARRANTY DEED: CR 200 N Project: Parcel #34

Mr. Albers presented the following for the CR 200 N Project for acceptance:

Temporary Grant of Right-of-Way

Key #114-03706-0016: Parcel #7A:

A part of lot numbered 50 in King Ridge SD, Pt 3, Sec 1 & replat of lots 14 & 20 in Pt 2 a part of the NW $\frac{1}{4}$ of Sec 18, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Michael E. & Martha J. Trautmann.

Warranty Deed

Key #112-00700-0370: Parcel #34

A part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 7, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Chad E. Muller.

- Commissioner Shedd moved to accept the Temporary Grant of Right-of-Way and Warranty Deed for the CR 200 N Project, seconded by Commissioner Knochel; motion carried.

WARRANTY DEED: CR 550 E Project (SR 26 to McCarty Lane): Parcel #8

Mr. Albers presented the following Warranty Deed for the CR 550 E Project for acceptance:

Key #112-03000-0137: Parcel #8

A part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 30, Twp 23 N, R 3 W in Perry Twp from Cecil J. Jr. & Marjorie Mae Krick.

- Commissioner Shedd moved to accept the Warranty Deed for the CR 550 E Project, seconded by Commissioner Knochel; motion carried.

UTILITY MAINTENANCE BOND #281117: Frontier Communications of Thorntown, Inc.

- Commissioner Shedd moved to approve 1 year Bond #281117 for Frontier Communications of Thorntown, Inc. in the amount of \$5,000 for work in all County right-of-ways, seconded by Commissioner Knochel; motion carried.

CONTINUATION CERTIFICATE: Fox Hauling & Construction, Inc.

- Commissioner Shedd moved to accept one (1) year Continuation Certificate attached to Bond #5639255 in the amount of \$5,000.00 for Fox Hauling & Construction, Inc., seconded by Commissioner Knochel; motion carried.

CERTIFICATES OF INSURANCE

- ♦ Indiana Insurance Company for Gary Hanna Construction
- ♦ St Paul Fire and Marine Ins, Zurich American Ins Company, National Union Fire Ins Co for Milestone Contractors, L.P.
- ♦ St Paul Fire and Marine Ins, Zurich American Ins Company, National Union Fire Ins Co for Milestone Contractors, L.P.
- ♦ St Paul Fire and Marine Ins, Zurich American Ins Company, National Union Fire Ins Co for Milestone Contractors, L.P.
- ♦ Cincinnati Insurance Co for Ted A Hardebeck DBA Hardebeck Homes, Inc
- ♦ Travelers Insurance Company, Liberty Mutual for Lykowski Construction, Inc
- ♦ Hartford Fire Ins Co, Twin City Fire Insurance Co for Insight Communications Midwest LLC
- ♦ Auto-owners for Buchanan Development
- ♦ Zurich, AmComp for Cement Construction Company, Inc

ORDINANCE 2003-29-CM: Parking Restrictions (re: McCutcheon H.S.): Mark Albers and Sheriff Anderson (Refer to 2/19/03, 4/21/03, & 5/5/03 Minutes)

Attorney Luhman read Ordinance 2003-29-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

President Benson stated the Ordinance has been posted in the Commissioners' Office and Highway Department for two (2) months. She reported two positive calls to the Commissioners, but Mr. Albers and Sheriff Anderson reported no comments or calls to their respective departments. President Benson said she thinks restricting parking for a one (1) mile radius is "overkill" because she doesn't think the students will walk that far.

Sheriff Anderson asked if signs could be posted immediately in subdivisions adjacent to the school but not in the more distant subdivisions listed because he agrees the students won't walk that distance. Attorney Luhman responded that the parking restrictions are not effective until the signs are posted. He thinks it would be a better policy to restrict parking on streets where you want to restrict the parking.

Mr. Albers thought it would be wasteful to install signs in areas where the "problem" parking is unlikely to occur

such as west of new US 231 and east of Wea Creek because he doesn't think the students will cross those barriers.

Commissioner Shedd asked if parking can be restricted without listing specific names. She foresees numerous amendments to the ordinance as new development occurs. Attorney Luhman answered the Commissioners will have to make a choice. They can either restrict all streets within a radius or name specific streets/subdivisions for restricted parking. President Benson suggested limiting the ordinance to subdivisions within one (1) mile that fall between new US 231 and Wea Creek. Commissioner Knochel suggested asking Mr. Albers and Sheriff Anderson to determine which streets/subdivisions to restrict at this time and report later in the meeting.

INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT GRANT: Tecumseh Area Partnership, Inc.: Roger Feldhaus

Mr. Feldhaus requested the President's signature on the Grant Agreement between the Indiana Department of Workforce Development and Tecumseh Area Partnership, Inc. for the implementation of employment and training programs and/or services. The Grant, effective from July 1, 2003 until June 30, 2005, will be funded with Workforce Investment Act monies in the amount of \$1,079,143. He said they typically receive around \$700,000 but he thinks the increase is due to the economic times. Mr. Feldhaus explained that 75% of the budget is set costs but they are discussing how the remaining 25% will be spent. The Tecumseh Area Partnership includes Tippecanoe and seven contiguous counties.

Grant Administrator Jessica Rebmann stated she reviewed the Grant and found no abnormalities.

- Commissioner Shedd moved to approve the Indiana Department of Workforce Development Grant with the Tecumseh Area Partnership, Inc., seconded by Commissioner Knochel; motion carried.

ORDINANCE 2003-26-CM: UZO Amendment #37

Ordinance 2003-26-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-26-CM, seconded by Commissioner Knochel.

(quote)

May 22, 2003
Ref. No. 03-267
Tippecanoe County Commissioners
Attn: Tippecanoe County Auditor
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: UZO AMENDMENT #37: To allow setback averaging within the R3W zoning district
for certain properties located within the ***urbanized sewerred area*** of West Lafayette

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 21, 2003, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to approve the enclosed LIZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

(unquote)

Area Plan Assistant Director Sallie Fahey explained this Ordinance only affects property located in the corporate limits of West Lafayette but all six jurisdictions are asked to approve it for uniformity. It allows urban kind of development to re-occur in older urbanized areas in West Lafayette by permitting a standard setback of 20' from road rights-of-way in R3W and R4W zones and permitting persons to average along the block as well but not less than 10'.

With no further comments, Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2003-26-CM passed 3 – 0.

ORDINANCE 2003-27-CM: Z-2123, Derrin Sorenson (Hawthorne Meadows) R2 & R3 to PDRS

Ordinance 2003-27-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-27-CM, seconded by Commissioner Knochel.

(quote)

May,22,2003
Ref. No-.03-275

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2123-DERRIN SORENSON (Hawthorne Meadows)(R2 & R3 TO PDRS):**
Petitioner is requesting rezoning of 43.02 acres for a 178 lot single-family residential development located south of SR26E, west of CR 550E and northeast of the I-65 right-of-way, Perry 30 (SW) 23-3.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 21, 2003, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no to APPROVE the motion to rezone the subject real estate from R2 & R3 to PDRS. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on the following conditions:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. all sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. a final plat per LIZO Appendix B-3-2 as applicable

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their June 2, 2003 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

(unquote)

Representing the developer, Attorney Joe Bumbleburg requested the zoning change to PDRS for 178 lots on 43 acres that have Lafayette City utilities available. With the goal to provide affordable housing, he thinks a planned development is better for this area than a subdivision of duplexes. An area for a detention basin that will serve the Berlowitz Regional Drain has been set aside, and a landscaped berm approximately 8' higher than I-65 will serve as a sound barrier. The Tippecanoe School Corporation as well as the YWCA already own acreage to the north and east as sites for future expansion.

With no further comments, Auditor Plantenga recorded the vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2003-27-CM passed 3 – 0.

ORDINANCE 2003-28-CM: Z-2128, R. Gregg Sutter A to RE

Ordinance 2003-28-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-28-CM, seconded by Commissioner Knochel.

(quote)

May 22, 2003
Ref. No.: 03-280

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2128-R. GREGG SUTTER (Booth Farms Rural Estate) (A TO RE):**
Petitioner is requesting rezoning of 11.476 acres located on the north side of CR700 N,
just east of the CR 800 E intersection, Washington 15 (SW) 24-3.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 21, 2003, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from A to RE. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their June 2, 2003 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

(unquote)

Representing the petitioner, Surveyor Bob Gross of R W Gross & Associates, Inc. requested a zoning change for 11.476 acres between CR 700 N and the Wentworth parcelization for a 5 lot Rural Estate subdivision. A private drive created to serve the parcelization will also serve as access to the 5 lots.

With no further comments, Auditor Plantenga recorded the vote:

John Knochel Yes
KD Benson Yes
Ruth Shedd Yes

- The motion to approve Ordinance 2003-28-CM passed 3 – 0.

PUBLIC HEARINGS SCHEDULED: Vacations of Public Ways

- Commissioner Shedd moved to hold Public Hearings for Vacations of Public Ways for Thomas Bray in the Town of Colburn and Patrick Cunningham and R. Gregg Sutter in River Bluffs SD at 10:00 A.M., Monday, July 7, 2003, seconded by Commissioner Knochel; motion carried.

2004 SALARY RECOMMENDATIONS: Human Resources Director Frank Cederquist

Due to funding uncertainty, Mr. Cederquist cautiously suggested the Commissioners recommend a 2% salary increase for employees for 2004 to the County Council. Impact to the General Fund for a 2% increase will be \$513,193. If the Council is unable to fund a 2% increase, he suggested they might consider shortening the workweek to 36 hours, increasing the number of holidays or vacation days, or giving a 1 time 1% pay increase with another benefit option such as increased holidays.

Commissioner Knochel said the employees warrant a 2% raise but, until the revenue for 2004 is determined, he thinks they might have to consider alternatives.

Auditor Plantenga said we will have our numbers from the State by Budget time, but we received the projection of our COIT amount that is a .9% decrease.

Commissioner Shedd agreed that employees deserve a raise but wondered if the Commissioners can work with the Council at Budget time to make a package equal to a 2% raise if the money isn't available. Attorney Luhman responded that this is only a recommendation that can be changed as more information becomes available.

- Commissioner Shedd moved to recommend a 2% increase for all employees for 2004 to the County Council, seconded by Commissioner Knochel; motion carried.

RESIDENTIAL CARE ASSISTANCE PROGRAM AGREEMENT: Villa Director Terri Hively

Mrs. Hively asked the Commissioners to approve the Residential Care Assistance Program Agreement with the State of Indiana Family and Social Services Administration. The Agreement will be effective from July 1, 2003 through June 30, 2005 with an approved per diem of \$27 per resident.

- Commissioner Shedd moved to approve the Agreement for the Residential Care Assistance Program, seconded by Commissioner Knochel; motion carried.

VILLA APPLICATIONS

- Commissioner Shedd moved to approve applications to the Villa for Franklin Gustine and Marie Walker, seconded by Commissioner Knochel; motion carried.

ORDINANCE 2003-29-CM: Resumed

Mr. Albers and Sheriff Anderson returned to the meeting to report the streets/subdivisions for restricted parking to include in the amended Ordinance:

1. Buckingham Subdivision
2. J & J Subdivision
3. Mayflower Mill Subdivision
4. McCutcheon Heights Subdivision
5. Prairie Oaks Subdivision
6. Sheffield Subdivision Part I
8. Stratford Glen Subdivision
7. Traumer's Subdivision
9. Old Romney Road (Old US 231 to County Road 400 South)
10. County Road 400 South (Old Romney Road to US 231)
11. County Road 500 South (from US 231 to East of Mayflower Mill School)
12. Old US 231 (from Wea Creek to end)

- Commissioner Shedd moved to approve Ordinance 2003-29-CM as amended on first reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

KD Benson Yes
 Ruth Shedd Yes
 John Knochel Yes

- The motion to approve Ordinance 2003-29-CM as amended on first reading passed 3 – 0.

CONTRACT: Indiana FSSA (Family and Social Services): Vending Services

Attorney Luhman explained that FSSA provides work opportunities for blind vendors in public buildings. Covered in this Contract for vending services in Tippecanoe County are Court Services, the Courthouse, TCOB, and the 629 Building. The Contract begins on August 1, 2003 and ends on July 31, 2007.

- Commissioner Shedd moved to approve the Contract with Indiana FSSA for vending services, seconded by Commissioner Knochel; motion carried.

AGREEMENTS: Independent Contracts for Preservation of Public Records: Recorder

Contracts for Preservation of Public Records with two (2) part-time contractors Deborah K. Schetzle and Ettamae Wesley for the Recorder were presented for approval.

- Commissioner Shedd moved to approve the Contracts for two part-time contractors for the Recorder, seconded by Commissioner Knochel; motion carried.

APPOINTMENT: Common Wage Board

Commissioner Shedd moved to appoint Tom Murtaugh to the Common Wage Board for projects at Ivy Tech and the Department of Natural Resources at Prophetstown, seconded by Commissioner Knochel; motion carried.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor